



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	COUNCIL ON REAL ESTATE APPRAISERS
MEETING DATE AND TIME:	Tuesday, October 16, 2012 at 9:30 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , 2nd floor of the Cannon Building
MINUTES APPROVED:	November 20, 2012

Members Present

Ronald Mandato, Vice Chair, Professional Member
Georgianna Trietley, Professional Member
Brad Levering, Professional Member
Frank Smith, Public Member
Richard Wheeler, Public Member
Frank Long, Public Member

Division Staff/Deputy Attorney General

Patricia Davis-Oliva, Deputy Attorney General
Nicole Williams, Administrative Specialist II
Amanda McAtee, Administrative Specialist II
Sheryl Paquette, Administrative Specialist III

Members Absent

William Diveley, Chair, Professional Member
Gary V. Parker, Professional Member – No longer serves on the Council

Others Present

James Rostocki

Call to Order

Mr. Mandato called the meeting to order at 9:34a.m.

Review and Approval of Minutes

The Council reviewed the minutes from the September meeting. Mr. Smith made a motion to approve the minutes as submitted, seconded by Ms. Trietley. Motion carried unanimously.

Unfinished Business

Status of Complaint: 19-03-11

Mr. Mandato stated the complaint was dismissed by the Division.

Status of Complaint: 19-04-11

Mr. Mandato stated the complaint was forwarded to Attorney General's Office for review.

Status of Complaint 19-06-11

Mr. Mandato stated the complaint was forwarded to Attorney General's Office for review.

Status of Complaint 19-08-11

Mr. Mandato stated the complaint was forwarded to Attorney General's Office for review.

Status of Complaint 19-09-11

Mr. Mandato stated the complaint was forwarded to Attorney General's Office for review.

Update to Ted Ganderton's Consent Agreement

Ms. Trietley advised that there were 4 to 5 properties that she could not verify in the MLS system. Ms. Davis-Oliva stated that as part of Mr. Ganderton's consent agreement he was ordered by the Council to submit a monthly work log for the Council to review. The question is if he is in compliance with his order and has come to terms with his agreement. Ms. Ganderton has petitioned to the Council now to have the probation lifted as he is still on probation.

Mr. Levering entered the meeting at 9:39 am.

The Council's determination is to either lift Mr. Ganderton's probation status or require him to come before them for a rule to show cause as to why he did not comply with the consent agreement.

Mr. Levering stated that in his opinion Mr. Ganderton attempted to gain licensure via reciprocity by obtaining licensure in the State of Pennsylvania after he was proposed to deny by examination through Delaware when his appraisal reports were found non-USPAP compliant by the Council.

Mr. Wheeler inquired what a rule to show hearing cause will allow the licensee. Ms. Davis-Oliva stated that the rule to show cause hearing will allow the licensee the opportunity to explain why the Council should not suspend or revoke his license for failure to comply with the agreement or order. The Council's options are to deny the request of lifting the suspension and extending the probation for additional amount of time, to grant the request to lift the probation or request Mr. Ganderton to appear for a rule to show cause hearing. The Council further discussed.

Mr. Levering made a motion to have Mr. Ganderton appear before the Council for a Rule to Show Cause hearing for non-compliance to the consent agreement, seconded by Mr. Wheeler. Motion carried unanimously.

Update to Kelly Leaberry's Consent Agreement

Ms. Davis-Oliva reviewed the terms of the order for the Council. Ms. Davis-Oliva and Ms. Williams will send a follow up letter to Ms. Leaberry as was done with Mr. Ganderton as it has not been sent to Ms. Leaberry as of yet.

New Business

New Complaints

19-13-12 of New Castle County assigned to Ms. Trietley.
19-14-12 of unlicensed activity assigned to Ms. Trietley.
19-15-12 of Sussex County assigned to Mr. Mandato.
19-16-12 of Sussex County assigned to Mr. Mandato.
19-17-12 of Sussex County assigned to Mr. Mandato.

Legislative Memo from James Collins, Division Director

Ms. Davis-Oliva stated that Mr. Collins sends a memo letter yearly to the Board's to submit their legislative changes to the Division. The Council has already submitted their legislation and has no additional legislation.

Ratification of Issued Licenses

Mr. Long made a motion to ratify the list of licenses issued below, seconded by Ms. Trietley. Motion carried unanimously.

Robert Hayes; Trainee: Supervisor: Christopher Smith, CRRPA
William D. O'Donnell, CRRPA
James E. Caminis, CGRPA
Frank B. Semon, CGRPA
Patrick C. Kerr, CGRPA
David A. Curley, CGRPA
Joy E. Hudgins; Trainee: Supervisor: Rex Doelze, CRRPA

Review of Application to Sit for the CRRPA Exam for Donna Anderson

Mr. Levering reviewed the application for Donna Anderson to sit for the Certified Residential Real Property Appraiser exam and stated that she has met all criteria to sit for exam. Mr. levering made a motion to approve Ms. Anderson to sit for exam, second Mr. Mandato. Motion carried unanimously.

Review of Application for Exemption per Rule 4.2.3 for Benjamin Bauer

Mr. Mandato reviewed the application for exemption submitted by Benjamin Bauer and stated the exemption application was complete. He made a motion to approve the exemption request for Mr. Bauer, seconded by Ms. Trietley. Motion carried unanimously.

Review of Exam Application for Licensure for James Rostocki

Ms. Trietley reviewed the application for James Rostocki and made a motion to approve him for licensure contingent upon review and approval of his sample appraisal reports that he will be required to submit, seconded by Mr. Mandato. Motion carried unanimously.

Ratification of Approved Continuing Education Activities

Ms. Trietley made a motion to ratify the approved education activities listing, seconded by Mr. Long. Motion carried unanimously.

Review of Temp Applications for discussion only

Mr. Mandato stated that a temp permit was issue to Jeffrey Rouse. There was no discussion by the Council.

Other Business before the Council (for discussion only)

Mr. Wheeler inquired if the Council can stipulate in the follow up letter to put a specific date of by November to respond to the Council so the Council can discuss at the November meeting

since she is appraising while on probation. Ms. Davis-Oliva will state in the letter that she must respond by a date before the November meeting or be subjected to a rule to show cause hearing.

Ms. Trietley inquired about the status of replacement for professional Council member, Mr. Parker, and the Banking Council member, Ms. Rickards. Ms. Davis-Oliva advised that the replacements are handled internally within the Division.

Public Comment

There was no public comment.

Next Meeting

The next meeting is scheduled for November 20, 2012 at 9:30 a.m. in Conference Room A second floor, Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

Mr. Smith made a motion, seconded by Mr. Long to adjourn the meeting. There being no further business before the Council, the meeting adjourned at 10:04 a.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nicole M. Williams".

Nicole M. Williams
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Commission members and the public in supplementing their personal notes and recall for presentations.